

Final Rule

LSA Document #14-294(F)

DIGEST

Amends [312 IAC 15-1-1](#), [312 IAC 15-1-4](#) through [312 IAC 15-1-9](#), [312 IAC 15-2-1](#), and [312 IAC 15-2-4](#), and adds [312 IAC 15-1-11](#), which govern forest and resource management, to reflect the merging of the Classified Forest Program and the Classified Wildlife Habitat Program into the Classified Forest and Wildlands Program. Adds [312 IAC 15-3](#) to allow other means of depicting and identifying parcels classified as native forest land, forest plantation, or wildlands provided that the means do not result in a real property description of the parcel. Effective 30 days after filing with the Publisher.

[312 IAC 15-1-1](#); [312 IAC 15-1-4](#); [312 IAC 15-1-5](#); [312 IAC 15-1-6](#); [312 IAC 15-1-7](#); [312 IAC 15-1-8](#); [312 IAC 15-1-9](#); [312 IAC 15-1-11](#); [312 IAC 15-2-1](#); [312 IAC 15-2-4](#); [312 IAC 15-3](#)

SECTION 1. [312 IAC 15-1-1](#) IS AMENDED TO READ AS FOLLOWS:

312 IAC 15-1-1 Purpose

Authority: [IC 6-1.1-6-16](#); [IC 14-10-2-4](#)

Affected: [IC 6-1.1-6](#)

Sec. 1. (a) The purpose of this article is to provide minimum standards of good timber forest and resource management for property that is classified as forest plantation land, or native forest land, or wildland under [IC 6-1.1-6](#), after June 30, 1990.

(b) This article does not apply to property classified as forest plantation land or native forest land before July 1, 1990.

(Natural Resources Commission; [312 IAC 15-1-1](#); filed May 19, 1997, 11:30 a.m.: 20 IR 2750; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed May 26, 2009, 11:21 a.m.: [20090624-IR-312090155RFA](#); filed Dec 29, 2014, 1:34 p.m.: [20150128-IR-312140294FRA](#))

SECTION 2. [312 IAC 15-1-4](#) IS AMENDED TO READ AS FOLLOWS:

312 IAC 15-1-4 Revocation of certification

Authority: [IC 6-1.1-6-16](#); [IC 14-10-2-4](#)

Affected: [IC 4-21.5-3-8](#); [IC 6-1.1-6](#)

Sec. 4. (a) The state forester may initiate a proceeding, under [IC 4-21.5-3-8](#), to revoke a certification issued classified status under [IC 6-1.1-6](#) for forest plantation land, or native forest land, or wildland if the owner violates, or allows the violation by another person of, any of the following:

- (1) [IC 6-1.1-6](#).
- (2) This article.
- (3) The timber management plan established for the real estate and included within the forest plantation or land, native forest land, or wildland.

(b) The commission is the ultimate authority for the department under this section.

(Natural Resources Commission; [312 IAC 15-1-4](#); filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed May 26, 2009, 11:21 a.m.: [20090624-IR-312090155RFA](#); filed Dec 29, 2014, 1:34 p.m.: [20150128-IR-312140294FRA](#))

SECTION 3. [312 IAC 15-1-5](#) IS AMENDED TO READ AS FOLLOWS:

312 IAC 15-1-5 "Commercial harvest" defined

Authority: [IC 6-1.1-6-16](#); [IC 14-10-2-4](#)

Affected: [IC 6-1.1-6](#)

Sec. 5. As used in this article, "commercial harvest" means the felling or removal of ~~a tree one (1) or more trees~~ for sale to, or use of, by, a person other than the owner.

(Natural Resources Commission; [312 IAC 15-1-5](#); filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed May 26, 2009, 11:21 a.m.: [20090624-IR-312090155RFA](#); filed Dec 29, 2014, 1:34 p.m.: [20150128-IR-312140294FRA](#))

SECTION 4. [312 IAC 15-1-6](#) IS AMENDED TO READ AS FOLLOWS:

312 IAC 15-1-6 "District forester" defined

Authority: [IC 6-1.1-6-16](#); [IC 14-10-2-4](#)

Affected: [IC 6-1.1-6](#)

Sec. 6. As used in this article, "district forester" means an employee of the department who:

- (1) holds a bachelor of science degree in forest management or a closely related forestry curriculum from a college or university accredited by the Society of American Foresters; is a professional forester; and
(2) is responsible for the administration of [IC 6-1.1-6](#) within designated counties.

(Natural Resources Commission; [312 IAC 15-1-6](#); filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed May 26, 2009, 11:21 a.m.: [20090624-IR-312090155RFA](#); filed Dec 29, 2014, 1:34 p.m.: [20150128-IR-312140294FRA](#))

SECTION 5. [312 IAC 15-1-7](#) IS AMENDED TO READ AS FOLLOWS:

312 IAC 15-1-7 "Management plan" defined

Authority: [IC 6-1.1-6-16](#); [IC 14-10-2-4](#)

Affected: [IC 6-1.1-6](#)

Sec. 7. As used in this article, "management plan" means a written document prepared by a district forester, or by a professional forester or **wildlife biologist** and approved by a district forester, which meets the following requirements:

- (1) The plan is prepared in consultation with the owner or an authorized representative of the owner and signed by the owner or an authorized representative of the owner.
(2) The plan adequately describes the **forest plantation land**, native forest land, or **forest plantation wildland** being entered into classified forest status.
(3) The plan prescribes management practices for the classified forest land that:
 (A) meet the objectives of the owner; and
 (B) satisfy [IC 6-1.1-6](#) and this article.
(4) The plan supports tree growth that is comparable with **promotes sustainable** timber production, and **wildlife habitat management**, or watershed protection as appropriate to the land type.

(Natural Resources Commission; [312 IAC 15-1-7](#); filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed May 26, 2009, 11:21 a.m.: [20090624-IR-312090155RFA](#); filed Dec 29, 2014, 1:34 p.m.: [20150128-IR-312140294FRA](#))

SECTION 6. [312 IAC 15-1-8](#) IS AMENDED TO READ AS FOLLOWS:

312 IAC 15-1-8 "Owner" defined

Authority: [IC 6-1.1-6-16](#); [IC 14-10-2-4](#)

Affected: [IC 6-1.1-6](#)

Sec. 8. As used in this article, "owner" means a person or entity who owns real estate that is classified as forest plantation land, or native forest land, or **wildland** under [IC 6-1.1-6](#).

(Natural Resources Commission; [312 IAC 15-1-8](#); filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul

SECTION 7. [312 IAC 15-1-9](#) IS AMENDED TO READ AS FOLLOWS:

312 IAC 15-1-9 "Professional forester" defined

Authority: [IC 6-1.1-6-16](#); [IC 14-10-2-4](#)

Affected: [IC 6-1.1-6](#)

Sec. 9. As used in this article, "professional forester" means a person who is not an employee of the department and who holds a bachelor of science degree in forest management or a closely related forestry curriculum from a college or university accredited by the Society of American Foresters.

(Natural Resources Commission; [312 IAC 15-1-9](#); filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed May 26, 2009, 11:21 a.m.: [20090624-IR-312090155RFA](#); filed Dec 29, 2014, 1:34 p.m.: [20150128-IR-312140294FRA](#))

SECTION 8. [312 IAC 15-1-11](#) IS ADDED TO READ AS FOLLOWS:

312 IAC 15-1-11 "Wildlife biologist" defined

Authority: [IC 6-1.1-6-16](#); [IC 14-10-2-4](#)

Affected: [IC 6-1.1-6](#)

Sec. 11. As used in this article, "wildlife biologist" means a person who holds a minimum of a bachelor of science degree in wildlife management or closely related curriculum.

(Natural Resources Commission; [312 IAC 15-1-11](#); filed Dec 29, 2014, 1:34 p.m.: [20150128-IR-312140294FRA](#))

SECTION 9. [312 IAC 15-2-1](#) IS AMENDED TO READ AS FOLLOWS:

312 IAC 15-2-1 Minimum standards of good resource management in maintenance of classified lands

Authority: [IC 6-1.1-6-16](#); [IC 14-10-2-4](#)

Affected: [IC 6-1.1-6](#)

Sec. 1. The owner of land classified as a forest plantation under [IC 6-1.1-6-2](#), wildland under [IC 6-1.1-6-2.5](#), or a native forest under [IC 6-1.1-6-3](#) shall do each of the following:

- (1) Maintain the land according to its management plan.
- (2) Prevent excessive erosion and control the deposition of sediment off-site.
- (3) Maintain a healthy forest environment.

(Natural Resources Commission; [312 IAC 15-2-1](#); filed May 19, 1997, 11:30 a.m.: 20 IR 2751; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed May 26, 2009, 11:21 a.m.: [20090624-IR-312090155RFA](#); filed Dec 29, 2014, 1:34 p.m.: [20150128-IR-312140294FRA](#))

SECTION 10. [312 IAC 15-2-4](#) IS AMENDED TO READ AS FOLLOWS:

312 IAC 15-2-4 Salvage of timber following natural catastrophes

Authority: [IC 6-1.1-6-16](#); [IC 14-10-2-4](#)

Affected: [IC 6-1.1-6](#)

Sec. 4. If a sudden and unexpected natural catastrophe occurs, which seriously damages the merchantable trees within a classified forest area, the owner may immediately salvage the trees.

(Natural Resources Commission; [312 IAC 15-2-4](#); filed May 19, 1997, 11:30 a.m.: 20 IR 2752; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed May 26, 2009, 11:21 a.m.: [20090624-IR-312090155RFA](#); filed Dec 29, 2014, 1:34 p.m.: [20150128-IR-312140294FRA](#))

SECTION 11. [312 IAC 15-3](#) IS ADDED TO READ AS FOLLOWS:

Rule 3. Alternative Parcel Description

312 IAC 15-3-1 Geographic information system alternative

Authority: [IC 6-1.1-6-9](#); [IC 14-10-2-4](#)

Affected: [IC 6-1.1-6](#)

Sec. 1. (a) The originator of the description and plat may use geographic information systems (GIS), in accordance with the state of Indiana GIS standard, with a county GIS tax parcel layer or a digitized property deed in conjunction with:

- (1) a geo-referenced, digital aerial photo; or
- (2) global positioning system (GPS) points with a minimum of three (3) meter accuracy; to describe and plat the parcel.

(b) The parcel description must:

- (1) describe parcel boundary by metes and bounds;
- (2) locate the parcel with reference to a coordinate pair;
- (3) give the projection and coordinate system used; and
- (4) identify parcel by:
 - (A) section;
 - (B) township;
 - (C) range; and
 - (D) county.

The plat must be at the scale and the format prescribed by the department. All parcel descriptions and plats must be approved by the district forester. A description and plat developed under this rule is not a real property description.

(Natural Resources Commission; [312 IAC 15-3-1](#); filed Dec 29, 2014, 1:34 p.m.: [20150128-IR-312140294FRA](#))

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